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VIA ECF

The Hon. Sarah Netburn
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *429-441 86th Street LLC v. Town Sports International Holdings, Inc.*
S.D.N.Y. Case No. 21-cv-01356-ALC

Dear Judge Netburn:

This firm represents Town Sports International Holdings, Inc. ("Defendant") in connection with the above-captioned matter. We write briefly to respond to Plaintiff's numerous informal letters seeking to improperly relitigate issues already decided in this case.

The Court has already explicitly ruled, as follows: "*The Court DENIES Plaintiff's request to proceed to summary judgment without further discovery. The Court APPROVES the proposal that initial disclosures pursuant to Rule 26(a) be served on or before May 21, 2021. Additionally, the parties may begin to serve written discovery on May 21, 2021 and further written discovery may be requested from that date.*" (ECF No. 20, Order). If that order was not clear enough, yesterday, following a flurry of letters by Plaintiff seeking to stay disclosure, the Court specifically ruled that "Defendant's request to engage in discovery is hereby GRANTED." (ECF No. 31, Order).

Plaintiff's letters essentially ask the Court to reconsider these orders and, among other things, relitigate the need for discovery, but in an untimely manner and contrary to this Court's rules. *See* S.D.N.Y. L.R. 6.3 (requiring a motion for reconsideration to be filed within 14 days); S.D.N.Y. L.R. 49.1(d) (same, and requiring "[a] memorandum setting forth concisely the matters or controlling decisions which counsel believes the Court has overlooked").

Based upon the foregoing, Defendant respectfully submits that Plaintiff's request must be denied outright, but if any further briefing on this issue is required, the Court should direct Plaintiff to follow this Court's local rules for seeking reconsideration of a court order and proceed in the formal manner required under the rules.

Thank you for your time and attention to this matter.

Respectfully submitted,

/s/ Massimo F. D'Angelo
Massimo F. D'Angelo

MFD/nb

cc: Counsel of Record (via ECF)
Client